

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

MARCOS DELA CRUZ,

)

4:08CV3110

)

Petitioner,

)

)

v.

)

**MEMORANDUM
AND ORDER**

)

DENNIS BAKEWELL, Warden of
Nebraska State Penitentiary, and

)

)

ROBERT HOUSTON, Director of
Nebraska Department of Correctional
Services,

)

)

)

Respondents.

)

Petitioner has filed a Petition for Writ of Habeas Corpus under [28 U.S.C. § 2254](#) ([filing no. 1](#)), an application to proceed in forma pauperis ([filing no. 2](#)), and a copy of his institutional trust account statement ([filing no. 3](#)).

Habeas corpus cases attacking the legality of a person's confinement require the payment of a \$5.00 fee. [28 U.S.C. § 1914\(a\)](#). However, pursuant to [28 U.S.C. § 1915\(a\)\(1\)-\(2\)](#), and after considering Petitioner's financial status as shown in the records of this court, provisional leave to proceed in forma pauperis will be granted and Petitioner is relieved from paying the fee at this time.

IT IS THEREFORE ORDERED that:

The application to proceed in forma pauperis ([filing no. 2](#)) is provisionally granted and Petitioner will not be required to pay the \$5.00 fee at this time.

May 29, 2008.

BY THE COURT:

s/ Joseph F. Bataillon
Chief United States District Judge